

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

MELINDA BROWN and TREFFLE  
LAFLECHE,

Plaintiffs,

v.

AMERICAN INTERNATIONAL GROUP,  
INC. and NATIONAL UNION FIRE  
INSURANCE COMPANY OF  
PITTSBURGH, PENNSYLVANIA,

Defendants.

C. A. No. 04-10685 WGY

**AFFIDAVIT OF CHARLES DALE, III, ESQ. IN SUPPORT OF PLAINTIFFS' MOTION  
FOR SUMMARY JUDGMENT**

I, Charles Dale, III, Esq., to hereby depose and say as follows:

1. My name is Charles Dale, III, Esq., and I am a partner with the law firm of Gadsby Hannah LLP located in Boston, Massachusetts. I am counsel for Plaintiffs Melinda Brown and Treffle LaFleche (the "Plaintiffs"). I submit this affidavit in support of Plaintiffs' Motion for Summary Judgment pursuant to Fed. R. Civ. P. 56 to attest to the statements contained herein.

2. On February 13, 2004, John F. Varley, III, AIG Claims Manager, left me a voicemail. In his voicemail, he stated that he stated that American International Group, Inc. ("AIG") and National Union Fire Insurance Company of Pittsburgh, Pennsylvania ("National Union") (collectively the "Defendants") intended to deny coverage of the Plaintiffs claims under

the Directors and Officers Corporate Liability Policy No. 872-35-08 and Run-Off Endorsement (the “D&O Policy” or “Policy”).

3. On February 18, 2004, John F. Varley, III, reiterated the position that the Defendants intended to deny coverage based on the “Prior Acts” exclusion in a conversation with me.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 7<sup>th</sup> DAY OF MAY, 2004.

/s/ Charles Dale, III  
Charles Dale, III, Esq.